Appendix A—Priority Pollutant List

Acenaphthene
Acrolein
Acrylonitrile
Benzene
Benzidine
Carbon tetrachloride (tetrachloromethane)
Chlorobenzene
1,2,4-trichlorobenzene
Hexachlorobenzene
1,2-dichloroethane
1,1,1-trichloroethane
Hexachloroethane
1,1,-dichloroethane
1,1,2-trichloroethane
1,1,2,2-tetrachloroethane
Chloroethane
Bis(2-chloroethyl) ether
2-chloroethyl vinyl ether (mixed)
2-chloronaphthalene
2,4,6-trichlorophenol
Parachlorometacresol
Chloroform (trichloromethane)
2-chlorophenol
1,2-dichlorobenzene
1,3-dichlorobenzene
1,4-dichlorobenzene
3,3-dichlorobenzene
1,1-dichloroethylene
2,4-dichlorophenol
1,2-dichloropropane
1,2-dichloropropylene (1,3-dichloropropene)
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene
1,2-diphenylhydrazine
Ethylbenzene
Fluoranthene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
Bis(2-chloroisopropyl) ether
Bis(2-chloroethyoxy) methane
Methylene chloride (dichloromethane)
Methyl chloride (dichloromethane)
Methyl bromide (bromomethane)
N-nitrosodiphenylamine
Bromoform (tribromomethane)
Dichlorobromomethane
Chlorodibromomethane
Hexachlorobutadiene
Hexachlorocyclopentadiene
Isophorone
Naphthalene
Nitrobenzene
2-nitrophenol
4-nitrophenol
2,4-dinitrophenol
4,6-dinitro-o-cresol
N-nitrosodimethylamine
N-nitrosodi-n-propylamine
Pentachlorophenol
Phenol
Bis(2-ethylhexyl) phthalate
Butyl benzyl phthalate
Di-n-butyl phthalate
Di-n-octyl phthalate
Diethyl Phthalate
Dimethyl phthalate 1,2-benzanthracene (benzo(a)anthracene)
Benzo (a) pyrene (3,4-benzopyrene)
3,4-Benzofluoranthene (benzo (b) fluoranthene)
11,12-benzofluoranthene (benzo(b) fluoranthene)
Chrysene
Acenaphthylene
Anthracene
1,12-benzoperylene (benzo(ghi)perylene)
Fluorene
Phenanthrene
1,2,5,6-dibenzanthracene (dibenzo(h) anthracene) Indeno (1,2,3-cd) pyrene(2, 30-phenylene pyrene) Pyrene
Tetrachloroethylene
Toluene
Trichloroethylene
Vinly chloride (chloroethylene)Aldrin
2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD)
Dieldrin
Chlordane (tech. mixture and metabolites)
4,4-DDT
4,4-DDE (p,p-DDX)
4,4-DDD (p,p-TDE)
Alpha-endosulfan
Beta-endosulfan
Endosulfan sulfate
Endrin
Endrin aldehyde
Heptachlor
Heptachlor epoxide (BHC-hexachloro cyclohexane)
Alpha-BHC
Beta-BHC
Gamma-BHC (lindane)
Delta-BHC (PCB-polychlorinated biphenyls)
PCB-1242 (Arochlor 1242)
PCB-1254 (Arochlor 1254)
PCB-1221 (Arochlor 1221)
PCB-1232 (Arochlor 1232)
PCB–1248 (Arochlor 1248)
PCB–1260 (Arochlor 1260)
PCB–1016 (Arochlor 1016)
Toxaphene
Antimony
Arsenic
Asbestos
Beryllium
Cadmium
Chromium
Copper
Cyanide, Total
Lead
Mercury
Nickel
Selenium
Silver Thallium Zinc

[FR Doc. 93–22914 Filed 9–20–93; 8:45 am]
BILLING CODE 6560–50–P

federal register

Tuesday
September 21, 1993

Part IV

Department of Education

Final Funding Priorities for Fiscal Years 1994 and 1995; Notice

DEPARTMENT OF EDUCATION

Secondary Education and Transitional Services for Youth With Disabilities Program

AGENCY: Department of Education.

ACTION: Notice of Final Funding Priorities for Fiscal Years 1994 and 1995.

SUMMARY: The Secretary announces priorities for fiscal years 1994 and 1995 under the Secondary Education and Transitional Services for Youth with Disabilities Program. The Secretary takes this action to focus Federal financial assistance on identified national needs. These priorities are intended to increase student involvement in transition planning, to develop alternative programs for youth who have dropped out of school or are at risk of dropping out, and to replicate exemplary models or components of models in multi-district sites. The priorities also assist State and local entities in complying with the transition requirements of Part B of the Individuals with Disabilities Education Act (IDEA).

EFFECTIVE DATES: These priorities take effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Joseph Clair, U.S. Department of Education, 400 Maryland Avenue, SW., room 4622, Switzer Building, Washington, DC 20202–2644. Telephone: (202) 205–9503. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

SUPPLEMENTARY INFORMATION: The purpose of this program is (1) to assist youth with disabilities in the transition from secondary school to postsecondary environments, such as competitive or supported employment, and (2) to ensure that secondary special education and transitional services result in competitive or supported employment for youth with disabilities. The priorities in this notice provide support for demonstration, outreach, and research projects.

These priorities support National Education Goals 2 and 5 by assisting students with disabilities in developing competitive workplace skills through improved services and better trained service providers.

On June 23, 1993 the Secretary published a notice of proposed priorities for this program in the **Federal Register** (58 FR 34184).

Note: This notice of final priorities does *not* solicit applications. A notice inviting applications under this program is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priorities, two parties submitted comments. An analysis of the comments follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under applicable statutory authority—are not addressed.

Comment: One commenter requested that the priorities be expanded to include research and demonstration models that promote active involvement of business, community and government agencies with schools in support of transition outcomes for high school students with disabilities.

Discussion: The Secretary recognizes the importance of collaboration with a range of organizations and agencies in developing outcome-oriented transition services. Strategies for involving business, the community, and government agencies have been identified by previous research and demonstration model projects as being critical in implementing model transition services. Therefore, both priority 2 (Model Demonstration Projects to Identify and Develop Alternatives for Youth with Disabilities Who Have Dropped Out of School or Are at Risk of Dropping Out of School) and priority 3 (Outreach Projects for Services for Youth with Disabilities) require appropriate involvement by these types of agencies and organizations.

Change: None.

Comment: One commenter suggested that the Department consider including an invitational priority to encourage projects that would address the unique needs of youth with attention deficit disorders.

Discussion: The Secretary believes that all of the priorities in this notice are broad enough to allow for the support of projects focusing on a specific disabling condition (e.g., attention deficit disorders). However, because of the broad range of transitional needs of youth with disabilities, the Secretary does not wish to focus on any single population at this time..

Change: None.

Priorities: Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet any of the following priorities. The Secretary funds under this program only applications that meet these absolute priorities:

Priority 1—Research Projects on Student Involvement in Transition Planning

Background: This priority supports research projects on the active participation of students with disabilities in the transition planning process. These projects must (1) identify factors that facilitate student involvement, and (2) develop material for national dissemination on effective interventions and strategies for increasing student involvement.

The Secretary is establishing this priority because the Part B regulations published at 57 FR 44794 (September 29, 1992) implementing the Individuals with Disabilities Education Act (IDEA) amendments pertaining to transition require that all students, beginning no later than age 16—and at a younger age, if determined appropriate—be invited to attend the Individualized Education Program (IEP) meeting at which a transition plan is to be developed (34 CFR 300.344(c)). Section 602(a)(19) of IDEA further requires that transition services be based on an individual student's needs, taking into account the student's preferences and interests (See 34 CFR 300.18(b)(1)). Projects supported under this priority are to develop interventions and strategies to help students identify their preferences and interests.

Material developed through two different efforts may be useful in developing interventions and strategies to increase student involvement. Since the original Part B regulations were published in 1977, information and training material has been developed to maximize the participation of parents, teachers, and building supervisors, as well as related services personnel, in the IEP meeting. A second source of relevant information is being generated by projects funded to identify and teach skills necessary for self-determination, including decision-making, goal setting, and the ability to express preferences and make choices.

Priority: A research project on student involvement in transition planning must—

(1) Identify the factors and barriers associated with the participation of students with disabilities in the transition process;

(2) Identify specific interventions and strategies that are likely to lead to the increased participation of all students with disabilities. Interventions and strategies must consider alternative methods for eliciting student involvement, taking into account the

severity level of a disability and the individual student's ability to communicate, including use of augmentative communication devices;

(3) Carry out the research using a conceptual framework and research design that is based on previous research or theory and that provides a basis for the interventions and strategies to be studied. The research design must include difficult-to-serve groups. This framework must build upon existing materials developed (a) for other participants in the transition planning or IEP process, *and* (b) for teaching the skills necessary for self-determination relative to the IEP process;

(4) Conduct the research in a range of typical school settings;

(5) Conduct the research using methodological procedures designed to produce unambiguous findings (a) regarding the effects of all interventions and strategies, as well as any findings on interaction effects between particular approaches and particular characteristics of students or settings; and (b) for use in national, State, and local implementation and policy making;

(6) Produce and analyze a variety of descriptive and outcome data, including information regarding (a) student participation in the development of IEP content (goals, objectives, activities, and services); and (b) satisfaction of students with their transition plan;

(7) Prepare draft implementation guides containing all the proposed interventions and strategies for increasing student involvement in the transition planning or IEP process or, if appropriate, both;

(8) Implement a plan to field test the draft implementation guides in a range of school districts; and

(9) Prepare and disseminate findings, including final implementation guides, as well as information about the student participation materials, to school districts through the State educational agencies and to other organizations.

Priority 2—Model Demonstration Projects to Identify and Develop Alternatives for Youth with Disabilities Who Have Dropped Out of School or Are at Risk of Dropping Out of School

Background: This priority supports model demonstration projects that develop, implement, evaluate, and disseminate new or improved components or strategies to identify, recruit, train, and place youth with disabilities who have dropped out of school or are at risk of dropping out of school.

Priority: A model demonstration project must—

(1) Build upon specific components or strategies based on theory, research, or evaluation. These components or strategies must include procedures to identify youth who are at risk of dropping out of school and to recruit youth with disabilities who have already dropped out of school;

(2) Include alternatives for engaging students in programs that provide functional literacy skills and employment training and for serving students who refuse to return to their previous school;

(3) Develop working relationships with the private sector, especially employers, rehabilitation personnel, and local Private Industry Councils authorized by the Job Training Partnership Act;

(4) Target services to specific students (i.e., by age, disability, level of functioning, and membership in a special population, if appropriate);

(5) Produce detailed procedures and materials that enable others to successfully replicate the model as implemented in the original site; and

(6) Evaluate the model at the original model development site and, if implemented at other sites, at those sites to determine whether the model can be adopted by other sites and yield similar results. The project must determine the effectiveness of the model and its component or strategies, including multiple, functional student outcomes measures, other indices of the effects of the model, and cost data associated with implementing the model.

Invitational Priority: Within absolute priority 2 the Secretary is particularly interested in applications that meet the following invitational priority. However, under 34 CFR 75.105(c)(1), an application that meets this invitational priority does not receive competitive or absolute preference over other applications:

Projects designed to serve minority youth (e.g., Black, Hispanic, American Indian or Alaskan Native, Asian or Pacific Islander) or youth from urban areas with recognized high drop out rates.

Priority 3—Outreach Projects for Services for Youth With Disabilities

Background: This priority supports projects that assist in the adoption of proven models, components of models, or other exemplary practices designed to improve secondary education and transition services for youth with disabilities in areas such as continuing education, self-determination, vocational education and training, supported competitive employment, leisure and recreation, and independent living.

Section 602(a)(20)(D) of the Individuals with Disabilities Education Act (IDEA) requires that a statement of needed transition services be included in the individualized education plan (IEP) for each student beginning no later than age 16, and at a younger age, if determined appropriate, and that the services be updated on an annual basis. Currently, States are striving to provide improved transitional services to students with disabilities. Thus, State agencies and local service agencies need information and assistance in accessing the range of available, successful practices, curricula, and products.

The models, components of models, or exemplary practices selected for outreach need not have been developed through this program. Projects may disseminate and help replicate multiple models, components of models, or exemplary practices that were not developed by the applicant. To enhance the impact of outreach activities, projects are encouraged to select sites in multiple States.

Priority: An outreach project for services must—

(1) Disseminate information about and assist in replicating proven models, components of models, or exemplary practices that provide or improve transition services for students with disabilities based on the specific needs of the sites selected for outreach;

(2) Develop written plans for implementation;

(3) Coordinate its dissemination and replication activities with relevant State and local educational agencies, consumer organizations, administrative entities established in the service delivery area under the Job Training Partnership Act, and, if appropriate, projects funded under the State Systems for Transition Services for Youth with Disabilities Program, as well as with technical assistance, information, and personnel development networks within the State;

(4) Include (a) services in community-based settings; (b) effective involvement of students and adults with disabilities in the design, implementation, and evaluation of project activities; (c) coordination with schools, vocational rehabilitation agencies, adult service providers, and potential employers, if appropriate; and (d) assistance in identifying funding for assistive devices and services;

(5) Ensure that the model, components of models, or exemplary practices are consistent with Part B of the IDEA, are state-of-the-art, and have recent, unambiguous evaluation

information supporting their effectiveness;

(6) Employ activities that include, but need not be limited to, public awareness, product development and dissemination, site development, training, and technical assistance;

(7) Describe the effects of model components (e.g., expected costs, needed personnel, staff training, equipment) on potential users, the sequence of implementation activities, and the criteria for selecting cooperating sites; and

(8) Evaluate the outreach activities to determine their effectiveness. The evaluation designs must include, but need not be limited to, measures of types and numbers of sites where outreach activities are conducted, number of persons trained, types of follow-up activities, number of youth and families served at the site where models were adopted or adapted, youth and family progress information, and changes in the model made by sites.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations: 34 CFR part 326.

Program Authority: 20 U.S.C. 1425.

(Catalog of Federal Domestic Assistance Number: Secondary Education and Transitional Services for Youth with Disabilities Program 84.158)

Dated: September 14, 1993.

Andrew Pepin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 93–22982 Filed 9–20–93; 8:45 am]

BILLING CODE 4000–01–M

[CFDA No.: 84.158]

Secondary Education and Transitional Services for Youth With Disabilities

Notice inviting application for new awards for fiscal year (FY) 1994.

Purpose of Program: To assist youth with disabilities in the transition from secondary school to postsecondary environments.

The priorities support National Education Goals 2 and 5 by assisting students with disabilities in developing competitive workplace skills through improved services and better trained service providers.

Eligible Applicants: Institution of higher education, State or local educational agencies, and other public or private non-profit institutions or agencies may apply for a grant under this program.

Note: The Department is not bound by any estimates in this notice.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations for this program in 34 CFR Part 326.

Priorities: The priorities in the notice of final priorities for this program, as published elsewhere in this issue of the **Federal Register**, apply to these competitions.

Appliations Available: October 20, 1993.

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR YOUTH WITH DISABILITIES PROGRAM

Title and CFDA No.	Deadline for transmittal of applications	Deadline for intergovernmental review	Available funds	Estimated range of awards	Estimated size of awards	Estimated number of awards	Project period in months
Research projects on student involvement in transition planning (CFDA 84.158U).	4–08–94	6–07–94	$500,000	$240,000–260,000	$250,000	2	Up to 42.
Model demonstration projects to identify and develop alternatives for youth with disabilities who have dropped out of school or are at risk of dropping out of school (CFDA 84.158D).	12–17–93	2–16–94	532,000	96,000–116,000	106,000	5	Up to 36.
Outreach projects for services for youth with disabilities (CFDA 84.158Q).	3–28–94	5–27–94	707,000	91,000–111,000	101,000	7	Up to 36.

For Application: To request an application, telephone (202) 205–8485. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

FOR FURTHER INFORMATION CONTACT: Michael Ward, U.S. Department of Education, 400 Maryland Avenue, SW., room 4624, Switzer Building, Washington, DC 20202–2644. Telephone: (202) 205–8163. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

Program Authority: 20 U.S.C. 1425.

Dated: September 14, 1993.

Andrew Pepin,

Acting Assistant Secretary for Special Education and Rehabilitative Service.

[FR Doc. 93–22983 Filed 9–20–93; 8:45 am]

BILLING CODE 4000–01–M

federal register

Tuesday
September 21, 1993

Part V

Department of Housing and Urban Development

Office of the Secretary

24 CFR Part 91
Comprehensive Housing Affordability Strategy; Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 91

[Docket No. N–93–3668; FR–3572–N–01]

Comprehensive Housing Affordability Strategy

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of partial waiver of rule.

SUMMARY: This notice informs the public that the Secretary is waiving a provision of the rule on Comprehensive Housing Affordability Strategies (CHAS) that requires States and local governments to submit between October 1, 1993 and December 31, 1993 a housing strategy that covers an entire five-year period. The Secretary is waiving the provisions of § 91.19 and § 91.44 of the CHAS rule that require Local Governments and States to submit a strategy covering a five-year period, permitting the jurisdictions to choose the length of time (presumably shorter) to be covered by the strategy this year. The Secretary is waiving these provisions because the Department expects to issue a rule changing the CHAS rule and other rules to consolidate and streamline planning requirements in one document. Until that process is complete, the Department does not want jurisdictions to be burdened unnecessarily by preparing a strategy for a full five-year period when that strategy and plans for future years may be superseded by a new consolidated planning document.

DATES: September 21, 1993.

FOR FURTHER INFORMATION CONTACT: With respect to the Comprehensive Housing Affordability Strategy: Mary Kolesar, Director, Program Policy Division, Office of Affordable Housing Programs, Office of Community Planning and Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708–2470 (voice) or (202) 708–2565 (TDD). These are not toll-free numbers.

With respect to the Housing and Community Development Strategy: Joseph F. Smith, Acting Director, Policy Coordination Unit, Office of Community Planning and Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–1283 (voice) or (202) 708–2565 (TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Purpose

The Department of Housing and Urban Development intends to reduce the burden of administering the Housing and Community Development programs by consolidating the planning and application requirements into a single housing and community development strategy. The new housing and community development strategy, to be prescribed by rule, will integrate the following submissions into one consolidated document: The CHAS, the Community Development Plan, the CDBG Final Statement and the HOME Program Description.

II. Background

Since Fiscal Year 1975, the Department has required the preparation of a local planning document as a condition to receipt of certain types of local funding. First, the Housing Assistance Plan (HAP) was required under the Community Development Block Grant Program. With the enactment of the Stewart B. McKinney Homeless Assistance Act, a Comprehensive Homeless Assistance Plan (CHAP) was required for Emergency Shelter Grants Program recipients.

The Cranston-Gonzalez National Affordable Housing Act created two new planning documents for use by States and units of general local government—the CHAS and the Community Development Plan. The CHAS provision incorporated useful elements of the HAP and CHAP into a single planning document for addressing housing needs. The Community Development Plan provision required State and local governments to describe nonhousing community development needs and strategies for meeting those needs.

The Housing and Community Development Act of 1992 amended the provisions of the Cranston-Gonzalez National Affordable Housing Act governing the CHAS and the Community Development Plan by adding new CHAS requirements and limiting the focus of the Community Development Plan to CDBG funds.

The Department of Housing and Urban Development plans to consolidate and integrate these State and local planning and submission requirements into one comprehensive document that addresses their needs in areas such as housing, infrastructure, amenities, community development, economic development, and human services. Consequently, the Department is waiving the requirement that the complete Comprehensive Housing Affordability Strategy that is due between October 1, 1993 and December 31, 1993 include a strategy that covers an entire five-year period. Instead, grantees may choose to develop their strategy and discuss their plans for only the coming year, or some other length of time.

On February 4, 1991, HUD issued an interim rule that described the requirements for the preparation of State and local comprehensive housing affordability strategies. Jurisdictions that submitted a complete CHAS document for Fiscal Year 1992 covering the entire five year period to follow were required to submit an annual update each year that was based on their five-year strategy. Because 1990 census data were not available for the preparation of the initial FY 1992 five-year strategy, jurisdictions based their strategy on existing data, which, for most jurisdictions, were drawn from the 1980 census. Section 91.55 of that rule required submission of a complete housing strategy for a new five-year cycle when major new census data became available.

HUD issued a final CHAS rule on September 1, 1992, after an extensive public comment period.The required contents of the strategy were reorganized into three major components, a Community Profile, a Five-Year Strategy, and an Annual Plan, although HUD noted that a new five-year plan based on 1990 Census data would not be due until fiscal year 1994. Instructions for developing and completing a CHAS Annual Plan for Fiscal Year 1993 were issued on September 11, 1992. Instructions for developing and completing a Five-Year CHAS for new CDBG Entitlement communities and new HOME consortia were issued on October 15, 1992. Guidance for developing a complete CHAS submission under the final rule and the new CHAS requirements imposed by the Housing and Community Development Act of 1992 is contained in instructions in CPD Notices 93–02 and 93–03, both dated January 11, 1993. HUD issued a revised final rule implementing new CHAS requirements made by the Housing and Community Development Act of 1992 on March 12, 1993 (58 FR 13686).

III. Waiver

Pursuant to the authority of § 91.99, the Department has determined that the need to avoid unnecessary duplication of the effort involved for States and local governments in developing for an entire five-year period a strategy and specific plans that may soon be outdated constitutes good cause to waive the requirements of §§ 91.19 and 91.44 that the strategy component of a complete submission cover an entire five-year period. Consequently, these

requirements to develop a comprehensive strategy and detailed plans for a new five-year period are waived.

Jurisdictions have the discretion to determine the length of time to be covered by the strategy required by §§ 91.19 and 91.44. They may find it convenient to prepare a strategy for a shorter period of time. If they choose to prepare the strategy for a one-year period, some elements of §§ 91.19 and 91.44 will overlap with requirements of §§ 91.21 and 91.46. To prevent duplication of effort in that case, the provisions of § 91.19 or § 91.44 that overlap—paragraph (d)(2)(ii); the "specific actions and steps" in paragraph (e); paragraph (f); and "actions * * * [to] reduce lead-based paint hazards" in paragraph (g)—are waived, to permit submission of the information only once, as part of the annual plan.

This waiver does not waive the requirement of §§ 91.70(b) that a complete CHAS document based on newly released 1990 census data be submitted this year, nor the requirements of § 91.17(b)(1) and § 91.42(b)(1) that the needs assessment include projections over a five-year period, since that provision is required by the statute.

More specifically, whenever the term "five-year period" is used in §§ 91.19 or 91.44, it should be interpreted for this year to mean simply "period." Whenever the term "next five years" is used in those sections, it should be interpreted this year to mean "period covered." In §§ 91.46(a)(1), 91.60(b)(2), 91.80(a)(1), and 91.82(a), the term "five-year strategy" should be interpreted to mean simply "strategy."

Insofar as the definitions found in § 91.5 of "complete submission," "primary housing activity," "secondary housing activity," and "substantial amendment," are tied to a "five-year" strategy, such a five-year limitation may be ignored.

IV. CHAS Options

For Fiscal Year 1994, local governments and States may, as previously required by rule, submit a complete housing strategy covering a new five-year cycle, or, pursuant to this waiver, they may instead submit a complete CHAS document that develops a strategy covering a shorter period. These complete housing strategies must be based on the newly available special tabulations of 1990 census data that HUD made available to HOME and CDBG jurisdictions in May 1993 (or more recent or reliable data, where available), and they must address the additional CHAS requirements contained in the Housing and Community Development Act (HCDA) of 1992, as embodied in changes to the governing regulation (24 CFR part 91).

These complete housing strategies must be submitted to HUD between October 1, 1993 and December 31, 1993. Jurisdictions submitting either CHAS option must follow the instructions of CPD Notice 93–02 (Local Jurisdictions) or CPD Notice 93–03 (States), both dated January 11, 1993. Jurisdictions that choose to submit a CHAS covering a one-year period must follow completely the instructions in Sections I and III of CPD Notices 93–02 and 93–03. When following the instructions for Section II, however, they may develop a strategy and establish priorities for only Fiscal Year '94 rather than an entire five-year period. Moreover, to avoid duplication with Section III's Annual Plan, they may omit discussion of specific actions or steps planned for the ensuing one-year period in the following portions of Section II:

II.c.i.B—Strategy to Address Negative Effects,
II.d.ii.B—Overcoming Gaps—Actions,
II.e—Public Housing Improvements,
II.f—Public Housing Resident Initiatives, and
II.g—Lead-Based Paint Reduction.

In addition, these jurisdictions (one-year option) may describe the investment plan required by Section II.b.ii. for the coming year instead of the coming five-year period.

V. Housing and Community Development Strategy

The new housing and community development strategy (which consolidates the CHAS, Community Development Plan, CDBG Final Statement and HOME Program Description) will be the subject of rule making. The Department expects to require all jurisdictions, including those that submit a CHAS covering a new five-year cycle, to submit the new consolidated housing and community development strategy in Fiscal Year 1995. The new housing and community development strategy will be due at least 45 days before the start of the community development program year selected by each community.

Dated: September 14, 1993.

Andrew M. Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 93–22993 Filed 9–20–93; 8:45 am]

BILLING CODE 4210–32–M

federal register

Tuesday
September 21, 1993

Part VI

Department of Education

Services for Children With Deaf-Blindness Program; Notices

DEPARTMENT OF EDUCATION

Services for Children With Deaf-Blindness Program

AGENCY: Department of Education.

ACTION: Notice of final funding priority for Fiscal Years 1994 and 1995.

SUMMARY: The Secretary announces a priority for fiscal years 1994 and 1995 under the Services for Children with Deaf-Blindness Program. The Secretary takes this action to focus Federal financial assistance on an identified national need. This priority provides Federal support for research validation and implementation activities to enhance services to infants, toddlers, children, and youth who are deaf-blind.

EFFECTIVE DATE: This priority takes effect either 45 days after publication in the **Federal Register** or later if the Congress takes certain adjournments. If you want to know the effective date of this priority, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Charles Freeman, U.S. Department of Education, 400 Maryland Avenue, SW., room 4617, Switzer Building, Washington, DC 20202–2644. Telephone: (202) 205–8165. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8169.

SUPPLEMENTARY INFORMATION: The purpose of the program is to assist States in assuring the provision of early intervention, special education, and related services to infants, toddlers, children, and youth with deaf-blindness; and to support research, development, replication, preservice and inservice training, parental involvement activities, and other activities to improve services to children with deaf-blindness.

This priority responds to the need to improve educational practice by supporting research validation and implementation projects that fill the gap between knowledge and practice for infants, toddlers, children, and youth who are deaf-blind. Projects are intended to build capacity to effectively provide (1) educational services to these children in school and community settings alongside their peers without disabilities, or (2) early intervention services to these children in home and community settings.

Through the provision of improved services and better trained service providers, this priority supports National Education Goals 1 and 5 by assisting infants, toddlers, children, and youth who are deaf-blind to enter school ready to learn, and when they become adults, to compete in a global economy.

On June 23, 1993 the Secretary published a notice of proposed priorities in the **Federal Register** (58 FR 34174).

Note: This notice of final priority does *not* solicit applications. A notice inviting applications under this program is published in a separate notice in this issue of the **Federal Register**.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed priority, one party submitted a comment. An analysis of the comment follows. Technical and other minor changes—and suggested changes the Secretary is not legally authorized to make under applicable statutory authority—are not addressed.

Comment: One commenter expressed concern that the proposed priority focused solely on the validation of research findings with other disability groups for use with students who are deaf-blind. This focus, according to the commenter, does not address the need to develop program methods based exclusively on work with children with deaf-blindness or the need for primary research with this population.

Discussion: The priority, as proposed, provides for the validation and implementation of research findings from either studies with students who are deaf-blind or relevant research with other groups of students. Though the Secretary agrees that there are unique aspects of deaf-blindness that require primary research specifically with that population, the purpose of this particular priority is to maximize the benefits for children who are deaf-blind by shortening the time lag between all relevant research and practice.

Changes: None.

Priority

Under 34 CFR 75.105(c)(3) the Secretary gives an absolute preference to applications that meet the following priority. The Secretary funds under this competition only applications that meet this absolute priority:

Priority—Research Validation and Implementation Projects for Children Who Are Deaf-Blind

Background

Educational researchers and practitioners have long acknowledged the time lag between the discovery of new knowledge and the implementation of that knowledge in applied settings. In addition, new research findings, including those related to hearing impairment, visual impairment, and other disabilities, have not been rapidly or systematically applied to children who are deaf-blind.

Factors that impede the implementation of research findings are numerous and include the following: (1) Failure to describe research findings in a manner or form that practitioners can easily understand and use; (2) inadequate or insufficient field tests of research findings to determine the effectiveness of the new practices with children who are deaf-blind; (3) failure to examine how contextual factors affect the implementation of the new practice with children who are deaf-blind (e.g., small, diverse population of children; implementation costs; personnel training requirements; school and community attitudes toward the practice); and (4) insufficient attention to demonstrating new practices in schools that welcome visitors from other local educational agencies and, thereby, promote the dissemination and use of research findings.

This priority, therefore, supports projects that validate relevant research findings by translating those findings into procedures usable by personnel serving children who are deaf-blind, implementing new educational procedures in typical classroom settings, implementing new early intervention procedures in home and community settings, and evaluating the effectiveness of the new procedures in meeting the early intervention and educational needs of children who are deaf-blind.

The Secretary anticipates supporting a variety of projects that address different early intervention and educational needs of children who are deaf-blind. Relevant areas of investigation may include findings that could improve techniques to enhance cognitive development, physical development, communication skills (e.g., use of augmentative devices and assistive technology), social skills (including social interaction and friendship formation skills), independent living skills (including self-determination, mobility and other community living skills), and use of recreation or leisure time, as well as more traditional skill areas including academic achievement and transition and employment skills.

The Secretary also anticipates that projects would, if appropriate for the planned activities, form a consortium with one or more research institutions at other locations. This type of approach may be necessary to (1) validate the new approaches with multiple children and in multiple settings or (2) replicate initial evaluation findings.

Priority

To be considered for funding under this priority, a research validation and implementation project must—

(1) Address one or more of the relevant areas of investigation identified in the background section of this priority or a closely related issue;

(2) Identify specific research findings—and the interventions or strategies based on those findings—that will be implemented and evaluated;

(3) Translate research findings into demonstrable practice that provides the informational bridge necessary to (a) move research into practice, and (b) reduce the time lag between research and implementing practice for children who are deaf-blind;

(4) Design the project activities in a manner that is likely to improve services for children who are deaf-blind and their families;

(5) Conduct the project activities in typical school and community settings;

(6) Carry out the project activities within a conceptual framework that provides a basis for the research findings selected, the interventions or strategies to be implemented and evaluated, the evaluation design, and the target population;

(7) Conduct the evaluation activities using methodological procedures that will produce unambiguous findings (a) regarding the effects of the interventions or strategies and interaction effects between particular approaches and particular groups of children or particular contexts; and (b) for use in national, State, and local policy analysis contexts; and

(8) Produce a variety of descriptive and outcome data, including (a) information regarding the settings, the service providers, the children, and, if applicable, their families, targeted by the project (e.g., age, disabilities, skill and ability levels, and membership in a special population, if appropriate); and (b) multiple, performance outcome data regarding the children and families who are the focus of the interventions or strategies.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Applicable Program Regulations: 34 CFR part 307.

Program Authority: 20 U.S.C. 1422.

(Catalog of Federal Domestic Assistance Number: Services for Children with Deaf-Blindness 84.025)

Dated: September 14, 1993.

Andrew Pepin,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 93–22994 Filed 9–20–93; 8:45 am]

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Tuesday
September 21, 1993

Part VII

Department of Transportation

Federal Aviation Administration

14 CFR Parts 125 and 135
Training and Checking in Ground Icing Conditions; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 125 and 135

[Docket No. 27459; Notice No. 93–12]

RIN 2120–AF09

Training and Checking in Ground Icing Conditions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposal would require parts 125 and 135 certificate holders to check their airplanes for contamination (i.e. frost, ice or snow) before takeoff, when ground icing conditions exist. Part 125 certificate holders, consistent with the testing requirements of that part, would be required to provide pilot testing and, part 135 certificate holders would be required to provide pilot training, in ground deicing/anti-icing procedures. This rule is necessary because accident statistics and experience indicate the importance of effectively determining whether the airplane's wings and control surfaces are free of all frost, ice, or snow prior to attempting a takeoff. The proposal is intended to provide an added level of safety to flight operations in adverse weather conditions under parts 125 and 135.

DATES: Comments must be submitted on or before October 6, 1993.

ADDRESSES: Comments on this notice should be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–200), Docket No. 27459, 800 Independence Avenue, SW., Washington, DC 20591. Comments delivered must be marked Docket No. 27459. Comments may be examined in room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Larry Youngblut, Flight Standards Service, Regulations Branch, AFS–240, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–8096.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals in this notice are also invited. Substantive comments should be accompanied by cost estimates. Comments should identify the regulatory docket or notice number and should be submitted in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments specified will be considered by the Administrator before taking action on this proposed rulemaking. The proposal contained in this notice may be changed in light of comments received. All comments received will be available, both before and after the closing date for comment, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with Federal Aviation Administration (FAA) personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a preaddressed, stamped postcard on which the following statement is made: "Comments to Docket No. 27459." The postcard will be date stamped and mailed to the commenter. The FAA is not able to provide a longer comment period for this NPRM because of the need to issue an interim final rule before the 1993–94 winter season. Comments received after the comment period closes will not be considered nor will the FAA consider requests to extend the comment period.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM.

Persons interested in being placed on the mailing list for future NPRMs should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

The "Clean Aircraft" Concept

In November of 1992, amended regulations for operations conducted under part 121 during icing conditions took effect (57 FR 44924; September 29, 1992). The old part 121 regulation, which was comparable to the current regulations in parts 125 and 135, relied on the basic "clean aircraft" concept that no person may take off an airplane when frost, ice, or snow is adhering to the wings, control surfaces, or propellers of the airplane (§§ 121.629, 125.221, 135.227). The basis of this concept is that the presence of even minute amounts of frost, ice, or snow (referred to as "contamination") on particular airplane surfaces can cause a potentially dangerous degradation of airplane performance and unexpected changes in airplane flight characteristics. Under all of these regulations, ultimate responsibility for determining whether the airplane is free of contamination in icing conditions and thus complies with the "clean aircraft" concept rests with the pilot-in-command (PIC). Both the FAA and industry have developed guidance and recommended procedures that are designed to assist the PIC in making that determination. These procedures include monitoring weather conditions and temperature changes, visually inspecting the wings, and using deicing /anti-icing fluids.

When conditions conducive to the formation of frost, ice, or snow on airplane surfaces exist at the time of takeoff, airplane surfaces must be checked for contamination. When contaminants are adhering to airplane surfaces, these contaminants must be removed before takeoff except in certain situations involving frost, which are discussed later. Because of the wide variations in airplane design and performance characteristics, methods for removing contamination for part 135 and part 125 airplanes vary greatly. Airplanes may be deiced by applying heated water followed by undiluted glycol-based fluid, by applying a heated water/glycol solution, by mechanically brushing the snow or ice off, or by placing the airplane in a hangar until the frost, ice, or snow melts. Currently, anti-icing, which is the treatment of the airplane with undiluted glycol-based fluid to prevent frost, ice, or snow from adhering to aircraft surfaces, is not commonly used in part 135 operations.

Previous Part 121 Rulemaking

In 1992, due to a number of accidents that had occurred in part 121 operations during ground icing conditions and in response to industry-wide recommendations to improve the safety of operations during these conditions, the FAA amended the part 121 regulations concerning the operation of aircraft during ground icing conditions. The amended regulations retained the "clean aircraft" concept and in addition, required part 121 certificate holders to establish and comply with an FAA-

approved ground deicing anti-icing program. An approved part 121 program includes: (1) Ground training, and qualification and testing requirements for all flight crewmembers and all other personnel the certificate holder uses in implementing its program; (2) procedures for the use of holdover times after application of deicing/anti-icing fluids; and (3) airplane check procedures. The amended part 121 regulations require that pilots be provided with the training, information, procedures, and ground support that they need for ultimately deciding if takeoff can be safely accomplished.

The amended part 121 regulations were implemented as an interim final rule in order to allow public comment on the effectiveness of the amended rule during the 1992–93 winter season. At the time of the part 121 rulemaking, the FAA did not include parts 125 and 135 because of the limited time available and the need for further FAA review to determine the appropriateness of applying a similar rule to other operations. Since that time, the FAA has reviewed the accident history for part 125 and 135 operations, conferred with industry representatives, and studied the recommendations from the National Transportation Safety Board (NTSB) and the General Accounting Office (GAO).

Accident History

According to NTSB records, 14 ground icing related accidents and incidents involving airplanes operating under part 135 occurred during the period 1984–1992. Most of these accidents/incidents involved part 135 non-scheduled cargo questions; three involved either non-scheduled or scheduled passenger carrying operations. Four of the accidents resulted in a total of seven fatalities. While the NTSB identified other probable causes in some of these accidents/incidents, in all 14 cases the NTSB identified the existence of frost, ice, or snow on the wings or other critical surfaces of the airplane as a probable cause.

A common thread throughout these accidents/incidents was the pilots' apparent lack of awareness of the potential hazard from even small amounts of frost, ice, or snow on an airplane's wings and control surfaces. For instance, one pilot lost his life in an accident involving a non-scheduled cargo operation in Morrisonville, NY, on March 19, 1984. Prior to the accident, after identifying the presence of ice accumulation of the leading edges and upper wing surfaces, the pilot declined the use of a hangar to warm the airplane and instead attempted to remove the ice from the leading edges by hand. In another accident in Vienna, Missouri, on March 3, 1988, a pilot of a night cargo operation and another person lost their lives after taking off in known icing conditions. Before the flight, a line service noticed ice on the aircraft's wings and suggested its removal, but the pilot declined.

NTSB and GAO Recommendations

Before the part 121 ground deicing rulemaking, the NTSB had issued numerous recommendations that addressed issues involving airplane ground icing and deicing. Many of these recommendations were addressed in the 1992 rulemaking. However, in its earlier recommendations and its comments on the proposed part 121 rule and the interim final rule, the NTSB recommended that the FAA apply the new deicing requirements to operators under parts 125 and 135. The NTSB, with the exception of one member of the Board, urged the FAA to amend parts 125 and 135 when amending part 121.

Similarly, in a November 1992 report that commended the FAA for its part 121 rulemaking and the speed of that rulemaking, the GAO stated that, in its view, safety would be improved by making commuter airlines subject to more stringent regulations governing ground operations during icing conditions.

The Proposed Rule

The FAA initially considered requiring part 135 operations to comply with a deicing program identical to that required for part 121 operations. This option seemed reasonable because icing conditions exist regardless of the type of operation conducted. Furthermore, ice contamination detrimentally affects the flight characteristics of all airplanes. At the same time, however, the FAA recognized that significant differences exist between typical part 135 and part 121 operations and that these differences affect the procedures typically used during ground icing conditions.

Part 135 airplanes vary greatly in both size and aerodynamic design. This allows the wings to be more readily viewed from inside the cockpit of the airplane. The pilots in part 135 operations are usually more personally involved than part 121 pilots in the individual details of flight preparation, including computing weight and balance, filing flight plans, and checking weather forecasts, as well as checking for any contamination that might adhere to the airplane. Turnaround time is often faster for part 135 airplanes than for larger 121 airplanes, and part 135 airplanes often experience shorter delays waiting for takeoff because their runway requirements are more flexible than those requirements for larger part 121 airplanes.

In consideration of these differences and the results of accident investigations, which point primarily to a lack of training for pilots on the effects of contamination, the FAA has decided that it is not necessary to propose the same ground deicing/anti-icing program required for part 121, but instead proposes to amend pilot training requirements under part 135 to include instruction about the hazards associated with operating in icing conditions. The proposed training for pilots is intended to help prevent the problems that were identified in those accident investigations where pilots apparently did not understand that even a small amount of contamination on airplane surfaces is dangerous and takeoff should never be attempted if contamination is adhering to the airplane. The knowledge gained through the proposed training requirements would help prevent icing accidents in part 135 airplane operations.

In addition to training, the proposed rule would also require that, whenever frost, ice, or snow may reasonably be expected to adhere to the airplane, either an approved pretakeoff contamination check is completed within five minutes of takeoff or there is compliance with either an approved alternative procedure, such as having ice detectors or sensors installed on the airplane's wings and control surfaces, or there is compliance with the part 121 deicing/anti-icing rule. Compliance with the part 121 deicing/anti-icing rule would be an alternative to always conducting the pretakeoff contamination check prior to takeoff.

Operations conducted under part 125 are also being included in this proposed rule. Part 125 applies to passenger carrying and cargo carrying operations conducted, when common carriage is not involved, in airplanes with a seating configuration of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more. There are presently only 37 active part 125 certificate holders. Although the FAA's review of accident history does not reveal any ground icing accidents or incidents affecting part 125 operations, the types of airplanes flown are similar to those used in parts 121 and 135, the same airports are used, and the same weather conditions are encountered. Thus, operations conducted under part 125 are equally susceptible to the hazards of operating during ground icing conditions. While most part 125

operations use the same type of airplanes that are used in part 121 operations, the size and scope of the part 125 operations are more similar to part 135 operations. For this reason, the FAA is proposing testing requirements for part 125 comparable to the training requirements being proposed for part 135. Unlike part 135, which contains pilot training requirements, part 125 contains only pilot testing requirements. Therefore, under the proposed rule, pilots operating under part 125 would be required to be tested on all of the subject areas relating to ground icing conditions and procedures contained in the proposed part 135 training requirements. Part 125 certificate holders would also be required to comply with the same operating requirements as part 135 operators. Pretakeoff contamination checks for parts 125 and 135 would be conducted for the specific aircraft type involved and approved by the Administrator.

However, for those part 125 and 135 certificate holders who do not anticipate operating during ground icing conditions, they would not have to train or test their pilots, and they would not have to develop pretakeoff contamination check procedures as described in this NPRM. If certificate holders who choose not to train or develop procedures encounter ground icing conditions, they will not be able to operate until weather conditions improve. Thus, the FAA is providing flexibility for certificate holders to determine to what extent these requirements are applicable to their operations.

The present provisions in parts 125 and 135 allowing takeoff with polished frost would be retained. In addition, the proposed amendments to parts 135 and 125 would not change the FAA's policy of permitting takeoff with small amounts of frost on the underwings of certain airplanes when this frost is caused by cold soaked fuel and when the takeoff is within aircraft manufacturer established limits accepted by FAA aircraft certification offices and stated in aircraft maintenance manuals and aircraft flight manuals. Language has been included in the proposed rule to make it clear that takeoffs with frost under the wing in the area of the fuel tanks are permitted if authorized by the Administrator.

Helicopter operations conducted under part 135 have not been included in this proposed rule because, in its review of icing related accidents and incidents, the FAA has not identified any accident history for these types of operations that suggests that additional training or a special inspection requirement would be necessary and because helicopter operations differ in many ways from airplane operations under part 135. However, the "clean aircraft" concept in § 135.227(a) would continue to apply to helicopters.

The specific requirements for training or testing of pilots and pretakeoff contamination check procedures are further discussed below.

Training or Testing of Pilots

Training under part 135 for operations during icing conditions would have to include initial and recurrent ground training for all pilots, other than those operators who use only one pilot in the certification holder's operations. This exception is due to the fact that part 135 does not require these certificate holders to establish and maintain an approved pilot training program. However, it should be noted that these certificate holders who conduct single pilot operations must comply with all the operational requirements of this proposed rule.

Initial training for part 135 pilots would cover the areas described below and would include airplane-specific training as appropriate. Recurrent training would include a review of areas covered in initial training, any changes in a certificate holder's procedures for operating in icing conditions, and changes that relate to specific airplanes. Comparable knowledge would have to be demonstrated for part 135 operations, as provided in the proposed § 125.287.

Training or testing would cover the following areas:

(1) If deicing fluids are used by the certificate holder, how holdover times relate to these fluids, how holdover times are used, and what variables might adversely affect the holdover times. Holdover time is the estimated time the application of deicing or anti-icing fluid will prevent the formation of frost or ice, and the accumulation of snow on the treated surfaces of an airplane.

(2) Airplane deicing/anti-icing check procedures to ensure that the airplane's wings, control surfaces, propellers, engine inlets, and other critical surfaces, as defined in the aircraft flight manual, are free of contamination, as well as aircraft-type-specific pretakeoff contamination check procedures and responsibilities.

(3) Procedures for communication between pilots and other affected personnel.

(4) Airplane surface contamination and critical area identification and knowledge of how airplane contamination adversely affects airplane performance and flight characteristics.

(5) Types and characteristics of deicing/anti-icing fluids, if used by the certificate holder.

(6) Cold weather preflight inspection procedures.

(7) Techniques for recognizing contamination on the airplane.

Pretakeoff Contamination Check Procedures

In addition to the proposed training or testing requirements, the FAA proposes that part 125 and part 135 certificate holders accomplish an approved pretakeoff contamination check anytime conditions are such that frost, ice, or snow may reasonably be expected to adhere to the airplane.

A pretakeoff contamination check is a check to make sure the wings and control surfaces are free of frost, ice, or snow. Takeoff must occur within 5 minutes after completing the check. It may be accomplished from within or outside the aircraft and may be visual or tactile or a combination, as long as the check is adequate to ensure the absence of contamination. Pretakeoff contamination check procedures for each specific type of aircraft operated by the certificate holder must be established by the certificate holder and must be approved by the certificate holder's FAA Principal Operations Inspector (POI) and referenced within the certificate holder's operations specifications.

Instead of the pretakeoff contamination check, certificate holders may use an approved alternate procedure, such as having ice detectors or sensors installed on the airplane's wing and control surfaces, or complying with the part 121 deicing/anti-icing rule. Compliance with the part 121 deicing/anti-icing rule would be an alternative to always conducting the pretakeoff contamination check prior to takeoff. Certificate holders who are interested in this alternative should consult the "Proposed Advisory Circular on Ground Deicing and Anti-icing Program," which was published concurrently with the interim final part 121 deicing/anti-icing rule (57 FR 44944; September 29, 1992).

Implementation

The proposed effective date for all part 125 and 135 certificate holders is November 1, 1993. A certificate holder who intends to operate in ground icing conditions on or after November 1, 1993, would have to amend its approved training or testing program, initially train or test its pilots, develop procedures for accomplishing pretakeoff contamination checks for each type airplane and have the FAA approve

these procedures. The FAA is developing advisory material to help certificate holders comply with this proposed rule.

The FAA is aware that requiring all pilots to be fully trained or tested by the effective date could be both financially and logistically impractical for some certificate holders. Therefore, in instances where training or testing cannot be completed as part of a certificate holder's established initial training or testing program by the effective date, the certificate holder may submit training or testing materials for approval by the certificate holder's POI. For purposes of initial training/testing, if pilots complete these approved materials, the FAA will consider initial training/testing provisions of this proposed rule satisfied. If some operators believe it may be impossible to fully train or test pilots by the effective date, the FAA requests comments on how expeditiously operators could accomplish the training or testing.

Long-Term FAA Actions

The problem of airplane ground deicing/anti-icing is broader than just the decision of a pilot in command on whether to attempt a takeoff. Airport and air traffic control procedures, airplane design, and other areas have been addressed in NTSB recommendations and elsewhere. Building on the experience gained from part 121 operations during the winter of 1992–93, the FAA and the aviation industry are continuing their efforts to address these related issues. Efforts in some areas, such as airport and air traffic control procedures, are already underway. Other efforts, such as potential airplane design changes that require long-term research, will be undertaken, either by the FAA, the industry, or, subject to available funding, as joint government/industry projects.

The 1992 rulemaking together with this proposed rulemaking, if implemented, would further the efforts of the FAA, and parts 121, 125, and 135 certificate holders to improve safety for all types of operations during ground icing conditions.

Paperwork Reduction Act

The reporting and recordkeeping requirement associated with this rule is being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35 under the following:

DOT No: .
OMB No.: New.
Administration: FAA.
Title: Training and Checking in Ground Icing Conditions.
Need for Information: If adopted, this NPRM requires each part 125 certificate holder to develop FAA approved testing and each part 135 certificate holder to develop FAA approved training for ground icing conditions. Part 125 and part 135 certificate holders would also be required to develop procedures for conducting a pretakeoff contamination check. Each of these training and testing requirements also has a recordkeeping requirement associated with it.
Proposed Use of This Information: The FAA requires this information to evaluate each certificate holder's proposed procedures and ensure certificate holders are operating at the highest possible level of safety during ground icing conditions.
Frequency: One-time.
Burden Estimate: 11,400 total hours.
Respondents: Parts 125 and 135 certificate holders.
Form(s): None.
Average Burden Hours Per Respondent: 38.

For further information contact: The Information Requirements Division, M–34, Office of the Secretary of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366–4735 or the Office of Management and Budget, Office of Information and Regulatory Affairs, Desk Office for the FAA, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395–7340. It is requested that the comments sent to OMB also be sent to the FAA rulemaking docket for this proposed action.

Regulatory Evaluation Summary

The FAA determined that this rulemaking is not "major" as defined by Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. Nevertheless, in accordance with Department of Transportation policies and procedures, the FAA has evaluated the anticipated costs and benefits. Those costs and benefits are summarized below. (A detailed discussion of costs and benefits is contained in the full evaluation in the docket for this NPRM).

Costs

The FAA estimates that the total compliance cost of this proposed rule would be $7.7 million over the next 10 years, in 1992 dollars. On a discounted basis (using a 7 percent rate of interest), the total potential cost is $6.4 million. This estimate is based on costs to comply with three proposed requirements: (1) Initial Training/Testing of Pilots, (2) Recurrent Training/Testing of Pilots, and (3) Modification of the Training/Testing Program. The cost of each of these components is discussed below.

Initial Training/Testing of Pilots

The FAA assumes that all pilots under part 125 would receive initial testing and pilots under part 135 would receive initial training of one hour during the first year after this proposed rule becomes effective. Training and testing would be for pilots-in-command (PICs) and pilots second-in-command (SICs). Costs for these pilots are based on their hourly wage rates of $62 and $33, respectively. The cost of initial training and testing was derived based on the total number of PICs and SICs that are expected to be trained multiplied by their respective hourly wages.

Based on aircraft data obtained from the FAA Flight Standards Service Office, Information Management Section, there are an estimated 10,500 active fixed-wing aircraft operating under parts 125 and 135. However, many of these aircraft operate in climates that do not experience icing conditions; therefore, FAA estimates that about 7,300 (approximately 70 percent) would be affected by this proposed rule. In order to estimate the total number of pilots that would be trained, the number of affected airplanes was multiplied by four pilots (two active and two reserve); this is approximately 29,300 pilots. Multiplying the number of pilots trained by their average hourly wage rate of $48 results in initial training/testing costs of $1.4 million (or $1.3 million, discounted).

Recurrent Training/Testing of Pilots

The recurrent training/testing required annually for each pilot would start in the second year of the ten-year time frame of the proposed rule. The FAA estimates that the training would take approximately 15 minutes and cost $12 ($48 per hour .25) per pilot. This cost estimate multiplied by the total number of pilots (29,300) results in estimated annual recurrent training costs of $350,000. Over the next ten years, this cost would be $3.2 million (or $2.2 million, discounted).

Modification of Training/Testing Program

While the FAA cannot precisely estimate to what extent operators would incur costs as the result of modifying their respective training/testing programs, this evaluation assumes that some additional costs would be incurred. To calculate these costs, the FAA estimated that this proposed rule

would affect 97 scheduled part 135 operators, 2,043 unscheduled part 135 operators, and 26 part 125 operators. The one-time cost estimate of $2,700 (scheduled part 135 operators) and $1,350 (part 125 and unscheduled part 135 operators) for training/testing program modifications multiplied by the total number of operators amounts to $3.1 million (or $2.9 million, discounted). The FAA solicits comments from the aviation community, particularly operators under parts 125 and 135, with regard to the estimated training costs and total compliance costs.

Benefits

This proposed rule would generate potential safety benefits of $14.8 million (or $10.4 million, discounted) over the next 10 years, in 1992 dollars. These benefits would be reduction in fatalities, serious injuries, and property loss from accidents involving ice contamination for airplane operations under parts 125 and 135.

To estimate the potential benefits associated with this proposed rule, the FAA examined all of the part 135 icing accidents that have occurred from 1984 to 1992. A similar effort was employed for part 125 operations; however, there were no icing accidents or incidents involving part 125 operators. Between 1984 and 1992, there were 14 accidents with 7 fatalities, 2 serious injuries, and 8 minor injuries. These accidents were examined closely to answer the following questions:

- To what extent would this proposed rule have prevented the accident from occurring?
- What other factors (other than ice on the airframe) contributed to the accident?
- If there were other factors, how much did these factors contribute to the accident?

The analytical approach employed to quantify the potential safety benefits focuses on the increased safety awareness resulting from this proposed additional training and testing and the improved checking procedures. Under this proposed rule, a pilot would most likely perform a visual pretakeoff contamination check prior to departure. Alternatively, certificate holder's may have FAA approved ice detectors or sensors installed on the airplane's critical surfaces, or may comply with the part 121 deicing/anti-icing interim rule.

The FAA recognizes that there are many uncertainties when dealing with winter storms, human error, etc, and that even under this proposed rule, it is possible that an accident may occur. Some of the 14 known accidents identified in this evaluation may have occurred even in the absence of icing conditions. Consequently, for purposes of this evaluation, the FAA is claiming as benefits generated by this proposed rule, only 60 percent of the casualty losses from those 14 accidents. This estimate is based on the FAA's knowledge of ice contamination, similar issues related to part 121 operations, and review of those part 135 accidents involving icing conditions. The FAA realizes that some members of the public may want to comment on the FAA's decision to claim as benefits only 60 percent of the casualty losses from the 14 known accidents. Therefore, the FAA solicits comments from the aviation community on the likelihood of this proposed rule preventing these types of accidents.

To estimate the potential benefits of this proposed rule, the FAA calculated the average annual number of accidents/incidents over the nine-year period. There were 14 accidents/incidents over the nine-year period averaging 1.6 (1⅗) per year. Similarly, the average annual number of fatalities and serious injuries were .8 (⅞) and .2 (⅖), respectively. In order to provide the public and government officials with a benchmark comparison of the expected safety benefits of rulemaking actions with estimated costs in dollars, the FAA currently uses a minimum value of $2.5 million to statistically represent a human fatality avoided and $640,000 for each serious injury. These values are applied to the .8 annual fatalities and .2 annual serious injuries over the next ten years. After including the average annual replacement value of the airplanes involved in these accidents/incidents, which is estimated to be approximately $280,000, the total benefits would be $23.7 million. Claiming only 60 percent of the benefits, the potential benefits would be $14.8 million, or $10.4 million discounted.

Conclusion

This proposed rule is expected to impose total costs estimated at $6.4 million (discounted) compared to total potential safety benefits estimated at $10.4 million (discounted). Therefore, the FAA has determined that this proposed rule would be cost-beneficial.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. The RFA requires government agencies to determine whether rules that would have "a significant economic impact on a substantial number of small entities" and, in cases where they would, to conduct a Regulatory Flexibility Analysis.

According to FAA Order 2100.14A: Regulatory Flexibility and Guidance, a substantial number of small entities is defined as a number which is not less than eleven and which is more than one-third of the small entities subject to a proposed or existing rule. A significant economic impact on a small entity is an annualized net compliance cost which, when adjusted for inflation, equals or exceeds the significant cost threshold for the entity type under review.

The entities that would be affected by this proposed rule are small operators that own, but not necessarily operate, nine or fewer aircraft. The FAA estimates that there are 26 operators under part 125, with an average of about two aircraft owned per operator. The FAA also estimates that there are 2,140 part 135 operators (97 scheduled and 2,043 unscheduled). On average, the unscheduled operators own fewer than four aircraft each. The scheduled operators own, on average, slightly more than 14 aircraft. Multiplying the $7.7 million cost of this proposed rule by a capital recovery factor of .14278 (10 years, 7%), results in an annualized cost estimate of $1.1 million. This estimate of $1.1 million was subsequently divided by the total number of operators (2,166) and resulted in an estimated annual cost impact of about $500 per operator. This annualized cost estimate is less than the annualized threshold cost of $4,600 (1992 dollars). Therefore, this proposed rule would not impose a significant economic impact on a substantial number of small aircraft operators.

International Trade Impact Statement

This proposed rule would have no impact on the competitive posture of either U.S. carriers doing business in foreign countries or foreign carriers doing business in the United States. This assessment is based on the fact that this proposed rule would impact operators engaged in U.S. domestic operations. Because foreign operators do not engage in U.S. domestic operations, this proposed rule would have no effect on them.

Environmental Assessment

The proposed rule is a federal action that is subject to National Environmental Policy Act (NEPA). Under applicable guidelines of the President's Council on Environmental

Quality and agency procedures implementing NEPA, the FAA will prepare an environmental assessment (EA) to determine the need for an environmental impact statement (EIS) or whether a finding of no significant impact (FONSI) would be appropriate. 40 CFR 1501.3, FAA Order 1050.1D, appendix 7, par. 3(a).

The FAA's preliminary review suggests that an EIS would not be required. The FAA believes that the rule will not promote significant additional use of deicing fluids. However, the FAA invites comments on any environmental issues associated with this proposed rule, and specifically requests comments on the following: (1) Whether the proposed rule will increase the use of deicing fluids, (2) the impact, if any, of using these deicing fluids on taxiways "just prior to takeoff," and (3) containment methods currently used that can be adapted to other locations on an airport.

Upon receiving public comments on these issues, the FAA will, after consideration of all relevant issues, determine the potential environmental impacts of the proposed rule.

Federalism Implications

The changes proposed by this NPRM would not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that the proposed amendments would not have federalism implications requiring the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Initial Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not major under Executive Order 12291. In addition, the FAA certifies that this proposal, if adopted, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is considered significant under Order DOT 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. A draft regulatory evaluation of the proposal, including an Initial Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects

14 CFR Part 125

Air carriers, Air transportation, Aviation safety, Safety.

14 CFR Part 135

Air carriers, Air taxi, Air transportation, Aviation safety, Safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend parts 125 and 135 of the Federal Aviation Regulations (14 CFR parts 125 and 135) as follows:

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

1. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430 and 1502; 49 U.S.C. 106(g) (revised, Pub. L. 97–449, January 12, 1983).

2. Section 125.221 is amended by revising paragraph (a), by redesignating paragraphs (b) through (d) as paragraphs (c) through (e), respectively, and by adding a new paragraph (b) to read as follows:

§ 125.221 Icing conditions: Operating limitations.

(a) No pilot may take off an airplane that has frost, snow, or ice adhering to any propeller, windshield, wing, stabilizing or control surface, to a powerplant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system, except under the following conditions:

(1) Takeoffs may be made with frost adhering to the wings, or stabilizing or control surfaces, if the frost has been polished to make it smooth.

(2) Takeoffs may be made with frost under the wing in the area of the fuel tanks if authorized by the Administrator.

(b) No certificate holder may authorize an airplane to take off and no pilot may take off an airplane any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the airplane unless the pilot has completed the testing required under § 125.287(a)(9) and unless one of the following requirements is met:

(1) A pretakeoff contamination check, that has been established by the certificate holder and approved by the Administrator for the specific airplane type, has been completed within five minutes prior to takeoff. A pretakeoff contamination check is a check to make sure the wings and control surfaces are free of frost, ice, or snow.

(2) The certificate holder has an approved alternative procedure and under that procedure the airplane is determined to be free of frost, ice, or snow.

(3) The certificate holder has an approved deicing/anti-icing program that complies with § 121.629(c) of this chapter and the takeoff complies with that program.

* * * * *

3. Section 125.287 is amended by removing "and" at the end of paragraph (a)(7), removing the period at the end of paragraph (a)(8) and adding a semicolon in its place, and adding a new paragraph (a)(9) to read as follows:

§ 125.287 Initial and recurrent pilot testing requirements.

(a) * * *

(9) Knowledge and procedures for operating during ground icing conditions, (i.e., any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the airplane), if the certificate holder expects to authorize takeoffs in ground icing conditions, including:

(i) The use of holdover times when using deicing/anti-icing fluids.

(ii) Airplane deicing/anti-icing procedures, including inspection and check procedures and responsibilities.

(iii) Communications.

(iv) Airplane surface contamination (i.e., adherence of frost, ice, or snow) and critical area identification, and knowledge of how contamination adversely affects airplane performance and flight characteristics.

(v) Types and characteristics of deicing/anti-icing fluids, if used by the certificate holder.

(vi) Cold weather preflight inspection procedures;

(vii) Techniques for recognizing contamination on the airplane.

* * * * *

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

4. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

5. Section 135.227 is amended by revising paragraph (a), by redesignating paragraphs (b) through (e) as paragraphs (c) through (f), respectively, and by adding a new paragraph (b) to read as follows:

§ 135.227 Icing conditions: Operating limitations.

(a) No pilot may take off an aircraft that has frost, snow, or ice adhering to any rotor blade, propeller, windshield, wing, stabilizing or control surface, to a powerplant installation, or to an airspeed, altimeter, rate of climb, or flight attitude instrument system, except under the following conditions:

(1) Takeoffs may be made with frost adhering to the wings, or stabilizing or control surfaces, if the frost has been polished to make it smooth.

(2) Takeoffs may be made with frost under the wing in the area of the fuel tanks if authorized by the Administrator.

(b) No certificate holder may authorize an airplane to take off and no pilot may take off an airplane any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the airplane unless the pilot has completed all applicable training as required by § 135.341 and unless one of the following requirements is met:

(1) A pretakeoff contamination check, that has been established by the certificate holder and approved by the Administrator for the specific airplane type, has been completed within five minutes prior to takeoff. A pretakeoff contamination check is a check to make sure the wings and control surfaces are free of frost, ice, or snow.

(2) The certificate holder has an approved alternate procedure and under that procedure the airplane is determined to be free of frost, ice, or snow.

(3) The certificate holder has an approved deicing/anti-icing program that complies with § 121.629(c) of this chapter and the takeoff complies with that program.

* * * * *

6. Section 135.345 is amended by republishing the introductory text of paragraph (b), revising the introductory text of paragraph (b)(6), removing "and" at the end of paragraph (b)(6)(ii), adding "and" at the end of paragraph (b)(6)(iii), and adding a new paragraph (b)(6)(iv) to read as follows:

§ 135.345 Pilots: Initial, transition, and upgrade ground training.

* * * * *

(b) For each aircraft type—

* * * * *

(6) Knowledge and procedures for—

* * * * *

(iv) Operating airplanes during ground icing conditions (i.e., any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the airplane), if the certificate holder expects to authorize takeoffs in ground icing conditions, including:

(A) The use of holdover times when using deicing/anti-icing fluids;

(B) Airplane deicing/anti-icing procedures, including inspection and check procedures and responsibilities;

(C) Communications;

(D) Airplane surface contamination (i.e., adherence of frost, ice, or snow) and critical area identification, and knowledge of how contamination adversely affects airplane performance and flight characteristics;

(E) Types and characteristics of deicing/anti-icing fluids, if used by the certificate holder;

(F) Cold weather preflight inspection procedures;

(G) Techniques for recognizing contamination on the airplane;

* * * * *

7. Section 135.351(b)(2) is revised to read as follows:

§ 135.351 Recurrent training.

* * * * *

(b) * * *

(2) Instruction as necessary in the subjects required for initial ground training by this subpart, as appropriate, including low-altitude windshear training and training on operating during ground icing conditions, as prescribed in § 135.341 and described in § 135.345, and emergency training.

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Issued in Washington, DC, on September 15, 1993.

William J. White,

Acting Director, Flight Standards Service.

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